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Human rights situations that require the Council's attention

Written statement* submitted by Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2024]

* Issued as received, in the language of submission only.



Unjust Executions on the Grounds of Religion or Belief in the Islamic Republic of Iran and Implications for Faith Minorities

Jubilee Campaign would like to raise to the Special Rapporteur and Council's attention the continued spate of executions taking place in the Islamic Republic of Iran and reverberations among religion or belief minority communities.

Background

Numerous United Nations mechanisms have noted the limited and specific criteria under which the death penalty is an appropriate and justifiable punishment. The Secretary-General expressed the consensus of the UN that "the death penalty should never be imposed as a sanction for non-violent conduct such as apostasy, blasphemy, witchcraft, adultery and same-sex relations".[1] The General Assembly noted the need for research on how the death penalty targets specific marginalized or disenfranchised communities, including faith minorities.[2] And the Special Rapporteur on freedom of religion or belief stressed that the codification of the death penalty for religious offenses increases the risk of "vigilante mobs or zealots" wishing to exact revenge on "those alleged to have violated those laws".[3]

Book Five, Chapter Two of the 1991 Islamic Penal Code of Iran addresses a multitude of religious offenses. Article 513, for example, prescribes the death penalty or a term of imprisonment between one to five years for "insulting the sacred values of Islam or any of the Great Prophets or [twelve] Imams or the Holy Fatima".[4]

Cases

Human Rights Activists in the Islamic Republic of Iran (HRANA) reported that no fewer than 746 executions took place throughout 2023[5], a portion of which were carried out against individuals involved in anti-government protests following the death of 22-year-old Mahsa Amini in police custody in September 2022.[6] Overwhelming evidence - including witness testimonies and medical records - incriminated Iranian authorities for severely beating Mahsa after arresting her for 'improperly wearing a headscarf' in violation of the nation's mandatory hijab law. Those who have been executed for their participation in these protests condemning the Iranian government for its killing of Mahsa - and denial thereof - were typically convicted of the overly broad charge of "enmity against God" or "corruption on earth".[7] It is also noteworthy and regrettable that many of the executed protesters were ethnic minorities - predominantly Kurds and Balochs - as the longest and most incendiary protests took place in the provinces of Kurdistan and Balochistan where the presence of armed resistance groups could be used as a justification for carrying out executions in the purported interest of combating terrorism.[8]

In May 2023, the Islamic Republic of Iran abruptly and unexpectedly executed two men – Yousef Mehrdad and Seyyed Sadrollah Fazeli Zare – on blasphemy charges, ending the decade-long de facto moratorium on executions for religious offenses. Though penal provisions codify capital punishment for apostasy and blasphemy, such a penalty is rarely carried out and has not been for years, making the execution of Mehrdad and Fazeli-Zare a concerning turn of events. Convicted on blasphemy and apostasy charges for creating a Telegram (social media application) channel "Critique of Superstition and Religion" and participating in conversations considered derogatory towards the Prophet, the two defendants were shuffled between solitary confinement and general population detention; denied family visits; and denied access to legal counsel.[9] Additionally, the Iranian Supreme Court rejected Mehrdad and Fazeli-Zare's appeals and asserted that the two defendants had confessed to their crimes; however, the veracity of this claim is dubious as the Islamic Republic of Iran has a nefarious track record of inflicting physical torture on prisoners to exact coerced admissions of guilt.[10]

In August 2023 prisoner Javad Rouhi, who had been arrested one year prior on the charge of apostasy for allegedly burning a Quran during the September 2022 Mahsa Amini protests, passed away in hospital after supposedly suffering a seizure in detention. Human rights activists, however, have argued that Rouhi's death resulted from injuries sustained by police-inflicted violence, refuting the government's claims that his death was a tragic accident. This parallels the government's widely rejected initial claims in 2022 that Mahsa Amini had similarly died of an anomalous seizure. The government maintains that Rouhi admitted to committing apostasy and property destruction, but Amnesty International reports that he was subjected to torture - including physical assault with batons and electric shocks, and exposure to extreme temperatures - to force him to make a false confession even though video footage released of Rouhi during the protests showed no signs of such criminal conduct. The nation's Supreme Court in May 2023 overturned Rouhi's death sentence and ordered a retrial on grounds that his actions did not warrant execution; however, he passed away before he could be released.[11]

While there are no other known cases of the death sentence being handed down to citizens for alleged blasphemy or apostasy, there does persist a concerning trend by which Christian leaders and church members are routinely arrested and temporarily detained for their faith-based activities which the Iranian government mischaracterizes as treasonous. On 31 December 2021 and 1 January 2022, a group of nine Christians was finally acquitted and released after spending approximately three years in prison for "promoting Zionist Christianity" and "acting against national security".[12] In late 2020, a Christian couple - Sara Ahmadi and Homayoun Zhavah - was sentenced to eleven years' imprisonment for establishing a house church and two years for membership in such a congregation, respectively. In April 2023, the couple was informed that their third appeal for a retrial of their case had finally been approved after their prior two requests were rejected in mid- and late-2021; Sara and Homayoun were finally acquitted and released on 9 May 2023.[13]

Conclusion & Recommendation(s)

Amnesty International reports that the Islamic Republic of Iran is the country with the second highest number of executions on an annual basis, surpassed only by China.[14] Moreover, Iran Human Rights recorded that "in 2022, only 12% of the executions were announced by official sources and the remaining 88% were confirmed" to have taken place clandestinely.[15] We remain concerned that there may be faith minorities and other activists on death row for "behavior or conduct the criminalization of which may already be in breach of the International Covenant on Civil and Political Rights".[16]

Jubilee Campaign proposes that the following recommendations be raised to the Islamic Republic of Iran by the Special Rapporteur:

1. Reevaluate the non-compliance of national legislation with obligations pursuant to international conventions and covenants. This includes Articles 499, 500, 513, and 514 of the Penal Code of 1991 which criminalize acts of evangelism and alleged blasphemy;
2. Consider repealing the death penalty for non-violent conduct - such as blasphemy, apostasy, drug trafficking, and adultery - which do not constitute the "most serious crimes" for which capital punishment may qualify as a commensurate penalty;
3. Consider voting in favor of the upcoming UNGA resolution on extrajudicial, summary, arbitrary executions, and the UNGA resolution for a moratorium on the use of the death penalty.

[1] United Nations General Assembly, Moratorium on the use of the death penalty - Report of the Secretary General, A/75/309, 13 August 2020.

[2] United Nations General Assembly, Report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions, A/76/264, 3 August 2021.

- [3] United Nations Human Rights Council, Freedom of religion or belief*, ** Report of the Special Rapporteur on freedom of religion or belief, A/HRC/40/58, 5 March 2019.
- [4] Iran Human Rights Documentation Center, Islamic Penal Code of the Islamic Republic of Iran – Book Five, 15 July 2013. ; [Iran] Islamic Penal Code of Iran.
- [5] Human Rights Watch, “Iran: 2 Detainees Executed, 11 Awaiting Execution”, 23 January 2024.
- [6] Somayeh Malekian, “Iranian activists go on hunger strike over execution of protester Mohammad Ghobadlou”, ABC News, 25 January 2024. ; Farnaz Fassihi & Cora Engelbrecht, “Three More Executed in Iran Over Protests”, The New York Times, 22 May 2023.
- [7] Supra note 6.
- [8] Iran Human Rights, “Execution and ethnic minorities”, April 2023.
- [9] United States Commission on International Religious Freedom (USCIRF), Yusef Mehrdad, updated 8 May 2023. ; USCIRF, Seyyed Sadrullah Fazeli Zare, updated 8 May 2023.
- [10] Iran International, “Iran Uses Secret Prisons To Get Forced Confession From Protesters: CNN”, 22 February 2023. ; Allyson Horn, “Iranian protesters recount daily beatings, forced confessions and torture tactics while in detention”, ABC News Australia, 15 March 2023.
- [11] Human Rights Watch, “Iran: Suspicious Death of Imprisoned Protester”, 1 September 2023. ; Nadeem Shad, “Javad Rouhi: Iranian protester dies in jail after avoiding death sentence”, BBC, 31 August 2023.
- [12] Church in Chains, “IRAN: Nine Christian converts acquitted”, updated 8 March 2023.
- [13] Church in Chains, Sara & Homayoun, updated 10 May 2023.
- [14] Mazier Motamedi, “Iran executes two ‘Quran burners’ for blasphemy”, Al Jazeera, 8 May 2023.
- [15] Iran Human Rights & ECPM (Ensemble contre la peine de mort) Together Against the Death Penalty, Annual Report on the Death Penalty in Iran 2022, 2023.
- [16] United Nations Human Rights Council, Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, A/HRC/42/28, 28 August 2019.